

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Lee R. CARLSON et al.

Application No.: 10/561,561

Confirmation No.: 9919

Filed: June 19, 2003 (Int'l)

Art Unit: 3735

For: BREATH END-TIDAL GAS MONITOR

Examiner: C. Jang

REQUEST TO CORRECT INVENTORSHIP UNDER 37 C.F.R. §1.48(a)

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants respectfully request that the inventorship of the above-captioned patent application be corrected to add the following inventor: Elvir CAUSEVIC. The inventorship error occurred without deceptive intention on the part of the omitted inventor.

In support of this request, Applicants hereby submit:

- 1) A statement by Elvir CAUSEVIC that the error in inventorship occurred without deceptive intent on his part;
- 2) A Supplemental Declaration under 37 C.F.R. § 1.63 signed by Elvir CAUSEVIC, Lee R. CARLSON, Edward A. MCCLATCHIE, Joe MARTINOSKY and Ralph WALDEN (these are all the named inventors);
- 3) A Supplemental Application Data Sheet indicating the correct citizenship of Edward A. MCCLATCHIE and that the inventive entity is Lee R. CARLSON; Edward A. MCCLATCHIE; Joe MARTINOSKY, Ralph WALDEN and Elvir CAUSEVIC;

- 4) The consent of the assignee, Capnia, Inc., for this request to correct inventorship;
- 5) A copy of the Statement under 37 CFR 3.73(b) previously filed with the U.S. Patent and Trademark Office on February 28, 2011; and
- 6) The processing fee under 37 C.F.R. §1.17(i) if it is determined that another fee is due. Applicants note that the processing fee was taken by the Office with the Request previously filed on July 26, 2011.

The Office is respectfully requested to correct the inventorship of this application and to enter the enclosed Supplemental Declaration. The processing fee, if required, is authorized to be charged to **Deposit Account No. 03-1952**.

In the event the Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 643132000200.

Dated: August 8, 2011

Respectfully submitted,

By: 

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